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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,089	01/21/2005	Carsten Herpel	PD020071	7015

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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04/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,089	Applicant(s) HERPEL ET AL.	
	Examiner Gims S. Philippe	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's amendment received on February 9, 2009 in which claims 1, 4 were amended and claims 2-3 were canceled, has been considered and entered, but the arguments are not deemed to be persuasive.

Response to Arguments

The applicant argues that amended claim 1 now recited that the existing auxiliary data files contain the main AV bit stream are extended to carry compression parameter sets. The applicant notes that this feature is not taught or suggested in Hannuksela et al. The examiner respectfully disagrees. At the end of paragraph 1, page 2, Hannuksela discloses that it makes sense to separate independent GOP and picture parameter sets from more frequently updated slice parameter. To the examiner in order to separate the independent GOP (which is the main AV bitstream) and the picture parameter set, an extension is made by appending the auxiliary data to the main AV bit stream where the auxiliary data is the compression parameter sets.

The examiner believes that Hannuksela et al. does meet the additional limitations. The rejection is repeated for the sake of completeness and to co-relate with the newly added limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4-5 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by 'Coding of Parameter Sets' by Hannuksela.

[claim 1]

Hannuksela teaches a video coding method using a number of parameter sets being referenced from within the coded data (Section 1. Summary; second paragraph).

Hannuksela further teaches the compression parameter sets are stored in auxiliary data files that are uniquely associated to the file or stream containing the main audio Visual (AV) bit stream (Section 2.Pre-defined Parameters sets; last three paragraphs).

Identifiers of said compression parameter sets and the corresponding references to these identifiers in the main AV bit stream are unique within said auxiliary data files and associated file or stream containing the main AV bit stream wherein existing auxiliary data files related to the file or stream containing the main AV bitstream are extended to carry the compression parameter sets (Section 3.3 On Parameter Set Identifiers; first paragraph).

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[claim 2]

As shown above, Hannuksela teaches the extending of the existing auxiliary data files in the JVT video encoding standard (Section 1 .Summary; first paragraph). [claim 3] Hannuksela teaches the video coding method according to claim 1, wherein an additional isomorphic set of auxiliary data files for said file or stream containing the main AV bit stream is created to carry additional information such as said compression parameter sets, as to not sacrifice compatibility with older equipment not being able to process extensions to existing auxiliary data files (Section 3.3; second paragraph).

[claims 4 and 5]

Hannuksela teaches the validity period of said compression parameter set identifiers is explicitly signaled (Section 3.5.3 Rationale for Parameter Selection; second paragraph, Page 8 paragraphs 3 and 4). Note, the parameters are valid for the specific GOP, image or slice.

[claim 7]

Hannuksela teaches the signaling of the validity period of the compression parameter set identifiers is based on an existing identification of the underlying transport or storage entities, such as packets or sectors, associated to portions of the main AV bit stream carried therein (Page 8, second-fifth paragraphs).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hannuksela as applied to claim 4 above, and further in view of US Patent 6,493,028 to Anderson et al.

[claim 6]

As shown above, Hannuksela teaches the requirements of claim 4. Hannuksela teaches the need for different parameter sets for desired application (Section 3.3 On Parameter Set Identifiers, first-second paragraphs). Hannuksela is silent on the use of the file name to signal the validity period of the compression parameter.

Anderson teaches a compression system which supports multiple compression standards (Figs. 5 and 6). Anderson further teaches the selection of compression parameters based on a file name (file extension) (Col 6 Lines 22-35 and Col 7 Lines 4-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the file extension manager of Anderson with the system of Hannuksela in order to configure the system for multiple encoding schemes as taught by Anderson (Col 1 Lines 6-10).

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannuksela as applied to claim 1 above, and further in view of US Patent 5,926,208 to Noonan et al.

[claims 9-11]

As shown above Hannuksela teaches proposed change to the JVT encoding standard for providing multiple parameter sets. Hannuksela suggests the decoding of the encoded video (Section 3.4.1. Background, Section 3.5.3 Rationale for Parameter Selection; first paragraph). Note, Hannuksela teaches the JVT codec. Hannuksela is silent on the apparatus for performing the encoding and decoding.

As shown in Figure 2,, Noonan teaches a cost-effective apparatus for performing the encoding and decoding utilizing multiple codecs (Col 3 Lines 6-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the apparatus of Noonan with the codec of Hannuksela in order to provide a cost-effective apparatus to encode and decode video as taught by Noonan (Abstract).

5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

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Primary Examiner, Art Unit 2621